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EXAMINER	
WILDER, PETER C	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,348	IVANYI, THOMAS P.	
	Examiner	Art Unit	
	Peter C. Wilder	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 29-82 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 29-82 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 19 May 2006 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/5/03, 5/19/06, 12/10/2004
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 29, 49, 50, 51, 67 are amended.

Claims 30-48, 52-66, and 68-82 are previously presented.

Drawings

The drawings were received on 5/19/2006. These drawings are accepted for correct labeling, but new corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are done in free hand without the use of a straight edge. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The modifications to the specification received on 5/19/2006 will be accepted.

Response to Arguments

Applicant's arguments with respect to claims 29-82 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

The obvious type Double Patenting Rejection will not be withheld until the filling of a terminal disclaimer.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 29 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 + 2 + 7 of U.S. Patent No. 6286140 in view of Reynolds et al. (U.S. 6934963 B1).

"An integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises, the integral unit comprising:" equates to "a viewer event and tuning..." of claim 1. The examiner equates "devices" at the viewing premises of the patent to "integral unit" of the application. The claimed "television content displayed on a television" equates to "a television signal receiver..." of claim 2. The examiner take official notice that it is notoriously well known in the art for television content to be displayed on a television for the purpose of allowing the viewer to see the television content.

"a monitoring device for uninterrupted and passive continuous monitoring of viewer behavior at each of the polarity of viewing premises" equates to "a plurality of signal receiving..." and "a viewer event and tuning...," of claim 1, "the monitoring device monitoring an event data generated upon occurrence of an event to ascertain the responses of a viewer to program and advertising content for the purpose of assessing the effectiveness of the programming and advertising content" equates to "a system for uninterrupted...;" of claim 1,

"an event timing device for recording a time occurrence of the event and for generating a time-stamped data representative of the time occurrence corresponding to the event data;" equates to "an event timing device..." of claim 1,

"a data latching device for continuous capturing and storing of the time-stamped data and the event data;" equates to "a data latching..." of claim 1,

"a database for storing the time-stamped data and event data captured and stored by the data latching device," equates to "a database for storing..." of claim 1, "wherein the programming and advertising content is transmitted to the television with an Internet access signal."

The Patent 6286140 fails to teach programming and advertising content to be transmitted to a television via an Internet access signal.

The Patent 6934963 B1 teaches programming and advertising content to be transmitted to a television via an Internet access signal (Column 9 lines 40-57 and Figure 2a and Figure 4 teach distributing television programming over the Internet and Column 16 lines 47-63 teaches advertisements being displayed on the screen so advertisements are transmitted with an Internet access signal).

At the time the invention was made it would have been obvious for one skilled in the art to modify the function/device of claim 1, using the Internet access function/device of Reynolds for the purpose of providing a hybrid passive-interactive television program guide system in which passive electronic television program guide content is integrated with an interactive television program guide (Column 1 lines 64-67 and Column 2 lines 1-6, Reynolds).

Claim 30 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 2 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "The integral unit of claim 29, wherein the integral unit is a central processing unit" equates to "a control device for controlling said signal receiving device" of claim 2.

Claim 31 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 2 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "The integral unit of claim 29, wherein the integral unit is a memory device in communication with a central processing unit" equates to "a database for storing the..." of claim 1 and "control device for controlling..." of claim 2. The examiner views the database to be the same as memory. The examiner views "control device" to be the same as a "central processing unit".

Claim 34 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 3 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "The integral unit of claim 29, wherein the integral unit communicates with an input device to enter commands into the integral unit" equates to "The system of claim 1, wherein....a viewer input device...." of claim 3. The examiner

notes to be able to control the input device communication would have to occur between the two.

Claim 48 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed The integral unit of claim 29, wherein the programming and advertising content is transmitted to the television via at least one of a television communication system, a telephone communication system, a wireless communication system and a fiber optic communication system" equates to the system of claim 1, wherein television..." of claim 7. The examiner notes advertising and programming are included in the "television signals."

Claim 49 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 + 7 of U.S. Patent No. 6286140 in view of Wignot (U.S. 5532733) further in view of Reynolds et al. (U.S. 6934963 B1).

The claimed "An integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises" equates to "a viewer event and tuning alternative..." of claim 1 but fails to teach displaying on a television.

Wignot (U.S. 5532733) teaches displaying television content on a television (Column 2 lines 44-51 and Figure 1 teaches receiving cable television and then having a display device)

At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to use the displayed on a television function/device of Ivanyi using the television for a display function/device of Wignot for the purpose of being able to see the television content.

"at least one of the plurality of viewing premises being a public location, the public location being at least one of a hotel, a bar, a hospital, an office, an airport, a train station and a bus station, the integral unit comprising:" equates to "a plurality of signal receiving..." of claim 1. The examiner notes from the patent that a plurality of viewing premises could include an integral unit in a hotel.

"a monitoring device for uninterrupted and passive continuous monitoring of viewer behavior at each of the plurality of viewing premises, the monitoring device monitoring an event data generated upon occurrence of an event to ascertain the responses of a viewer to program and advertising content for the purpose of assessing the effectiveness of the programming and advertising content" equates to (see rejection of claim 29);

"an event timing device for recording a time occurrence of the event and for generating a time-stamped data representative of the time occurrence corresponding to the event data" equates to (see rejection of claim 29);

"a data latching device for continuous capturing and storing of the time-stamped data and the event data" equates to (see rejection of claim 29); and

"a database for storing the time-stamped data and event data captured and stored by the data latching device, wherein the programming and advertising content is transmitted to the television with an Internet access signal" equates to (see rejection of claim 29).

Claim 50 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 + 2 + 7 of U.S. Patent No. 6286140 in view of US Patent 6934963 B1.

The claimed "An integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in a plurality of viewing premises, the integral unit measuring viewer behavior at less than all of the plurality of viewing premises" equates to (see rejection of claim 49), "the integral unit measuring viewer behavior at less than all of the plurality of viewing premises"

the integral unit comprising: (for the rest of the rejection claim 50 see rejection of claim 49)

Claim 51 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 + 2 + 7 of U.S. Patent No. 6286140 in view of US Patent 6934963 B1 further in view of Armstrong et al. (U.S. 6604224 B1).

The claimed "A set top box for measuring viewer behavior related to television content displayed on a television, the television being situated in one or a plurality of

viewing premises" equates to (see rejection of claim 49). Armstrong teaches a set top box being the interactive enabling device (Column 5 lines 23-24), the set top box comprising:

(For rest of the rejection of claim 51,see rejection of claim 29)

Claim 52 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 34 and the rejection of claim 51 for set top box embodiment.)

Claim 66 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 48)

Claim 67 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 + 2 + 7 of U.S. Patent No. 6286140 in view of US Patent 6934963 B1.

(See rejection of claim 51 and the examiner views cable box to be the same as set top box)

Claim 68 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 34 and the rejection of claim 67 for cable box embodiment.)

Claim 82 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 48)

Claims 35-44, 53-62, 69-78 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 + 3 of U.S. Patent No. 6286140 in view of US Patent 6934963 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

For support of the Official Notice with regards to claims 35-44, 53-62, 69-78 see the rejection below with regards to these claims.

Claims 45-47, 63-65, 79-81 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

For the listed claims these are clearly obvious variations of different types of display devices.

At the time the invention was made it would have been clearly obvious for one skilled in the art, to allow for different types of display devices to be able to be used with the integrated unit for the purpose of being able to allow people who had one display device but not the other kind to still be able to buy the integrated unit thus increasing sales.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 29-35, 40, 45, 47, 48, 50-53, 58, 63, 65-69, 74, 79, 81, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (U.S. 6177931 B1) in view of Reynolds et al. (U.S. 6934963 B1).

Referring to claim 29, Alexander teaches an integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises (Column 28 lines 30-32 teaches an EPG that monitors a viewers actions; Column 5 lines 20-53 teaches an embodiment of the unit the EPG resides on), the integral unit comprising:

a monitoring device for uninterrupted and passive continuous monitoring of viewer behavior at each of the polarity of viewing premises (Column 29 lines 22-23 teaches continuously capturing information; Column 35 teaches the EPG and related unit are located in a home thus a viewing premise), the monitoring device configured for monitoring an event data generated upon occurrence of an event to ascertain the responses of a viewer to program and advertising content for the purpose of assessing the effectiveness of the programming and advertising content (Column 28 lines 32-44 teaches a user event occurring and the device monitoring the change related to programming and advertising; Column 5 lines 20-53 details a device the EPG resides and functions on);

an event timing device for recording a time occurrence of the event and for generating a time-stamped data representative of the time occurrence corresponding to the event data (Column 28 line 35);

a data latching device for continuous capturing and storing of the time-stamped data and the event data (Column 28 lines 32- 35 teaches the recording of the time and channel change information), and

a database for storing the time-stamped data and event data captured and stored by the data latching device (Column 29 lines 14-21 teaches the data collected by being sent to the headend to be analyzed; Column 5 lines 24-25 teaches the unit containing RAM and ROM type memory),

but fails to teach wherein the programming and advertising content is transmitted to the television with an Internet access signal.

In an analogous art Reynolds teaches wherein the programming and advertising content is transmitted to the television with an Internet access signal (Column 9 lines 40-57 and Figure 2a and Figure 4 teach distributing television programming over the Internet and Column 16 lines 47-63 teaches advertisements being displayed on the screen so advertisements are transmitted with an Internet access signal).

At the time the invention was made it would have been obvious for one of ordinary skill in the art to modify the monitoring device of Alexander using the Internet access device of Reynolds for the purpose of providing a hybrid passive-interactive television program guide system in which passive electronic television program guide content is integrated with an interactive television program guide (Column 1 lines 64-67 and Column 2 lines 1-6, Reynolds).

Referring to claim 30, corresponding to claim 29, Alexander teaches wherein the integral unit is a central processing unit (Column 5 lines 23-24 teaches a processor in the integral unit).

Referring to claim 31, corresponding to claim 29, Alexander teaches wherein the integral unit is a memory device in communication with a central processing unit (Column 5 lines 23-25).

Referring to claim 32, corresponding to claim 31, Alexander teaches wherein the integral unit is a memory device in communication with a central processing unit (Column 5 lines 23-25).

Referring to claim 33, corresponding to claim 31, Alexander teaches wherein the integral unit is a memory device in communication with a central processing unit (Column 5 lines 23-25).

Referring to claim 34, corresponding to claim 29, Alexander teaches wherein the integral unit communicates with an input device to enter commands into the integral unit (Column 5 lines 24-25 teaches IR input and output and Column 3 lines 20-25 teaches a specific input device a remote control).

Referring to claim 35, corresponding to claim 34, Alexander teaches wherein the input device is a keypress device (Column 3 lines 20-25 teaches a specific input device a remote control with keys on it).

Referring to claim 40, corresponding to claim 29, Alexander teaches wherein the monitoring device further comprises a keypress device (See rejection of claim 35)

Referring to claim 45, corresponding to claim 29, Alexander teaches wherein the television is a computer monitor (Column 3 lines 3-7).

Referring to claim 47, depending on claim 29, Reynolds teaches wherein the television is a personal computer (Column 14 lines 9-19).

Referring to claim 48, depending on claim 29, Reynolds teaches wherein the programming and advertising content is transmitted to the television via at least one of a wireless link (Column 9 lines 40-57).

Referring to claim 50, Alexander teaches an integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises, the integral unit measuring viewer behavior at less than all of the plurality of viewing premises (The examiner does not have to give the preamble any patentable weight since the body of the claim does not depend on the preamble for completeness), the integral unit comprising:

See rejection of claim 29 for the rest of the rejections to the limitations of the claim.

Referring to claim 51, see rejection of claim 29 the examiner views a set top box to be the same as an integral unit (See also Reynolds Figure 4 element 28).

Referring to claim 52, depending on claim 51, see rejection of claim 34.

Referring to claim 53, depending on claim 52, see rejection of claim 35.

Referring to claim 58, depending on claim 51, see rejection of claim 40.

Referring to claim 63, depending on claim 51, see rejection of claim 45.

Referring to claim 65, depending on claim 51, see rejection of claim 47.

Referring to claim 66, depending on claim 51, see rejection of claim 48.

Referring to claim 67, see rejection of claim 29 the examiner views a cable box to be the same as an integral unit.

Referring to claim 68, depending on claim 67, see rejection of claim 34.

Referring to claim 69, depending on claim 68, see rejection of claim 35.

Referring to claim 74, depending on claim 67, see rejection of claim 40.

Referring to claim 79, depending on claim 67, see rejection of claim 45.

Referring to claim 81, depending on claim 67, see rejection of claim 65.

Referring to claim 82, depending on claim 67, see rejection of claim 66.

Claims 36, 39, 41, 54, 57, 59, 70, 73, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (U.S. 6177931 B1) in view of Reynolds et al. (U.S. 6934963 B1) further in view of Smolen (U.S. 5915243 B1).

Referring to claim 36, Alexander and Reynolds teach all the limitations in claim 34, but fail to teach wherein the input device is a mouse device.

In an analogous art Smolen teaches wherein the input device is a mouse device (Column 3 lines 51-54).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the combined devices of Alexander and Reynolds using the using mouse input function/device of Smolen for the purpose of allowing a person to answers question on a television to create an information profile (Column 3 lines 10-15 Smolen).

Referring to claim 39, Alexander and Reynolds teach all the limitations in claim 34, but fail to teach wherein the input device is a voice-activated input device.

In an analogous art Smolen teaches wherein the input device is a voice-activated input device (Column 3 lines 51-54).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the combined devices of Alexander and Reynolds using voice-activated input function/device of Smolen for the purpose of allowing a person to answers question on a television to create an information profile (Column 3 lines 10-15 Smolen).

Referring to claim 41, depending on claim 29, wherein the monitoring device further comprises a mouse device (see rejection of claim 36).

Referring to claim 54, depending on claim 52, see rejection of claim 36.

Referring to claim 57, depending on claim 52, see rejection of claim 39.

Referring to claim 59, depending on claim 51, see rejection of claim 41.

Referring to claim 70, depending on claim 68, see rejection of claim 36.

Referring to claim 73, depending on claim 68, see rejection of claim 39.

Referring to claim 75, depending on claim 67, see rejection of claim 41.

Claims 37, 42, 43, 55, 60, 61, 71, 76, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (U.S. 6177931 B1) in view of Reynolds et al. (U.S. 6934963 B1) further in view of Schutte (U.S. 5319454 B1).

Referring to claim 37, Alexander and Reynolds teach all the limitations in claim 34, but fail to teach wherein the input device is an optical scanning device.

In analogous art Schutte teaches wherein the input device is an optical scanning device (Column 5 lines 18-46 teaches a bar code reader).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the combined devices of Alexander and Reynolds using optical input function/device of Schutte for the purpose of allowing a person to acquire programs of individual events either in advance of the broadcast of the event over the CATV system or on demand thereby enhancing the system to provide pay per view (PPV) facilities (Column 1 lines 13-20 Schutte).

Referring to claim 42, depending on claim 29, wherein the monitoring device further comprises a scanner device (see rejection of claim 37).

Referring to claim 43, depending on claim 42, wherein the scanner device further comprises an optical scanner (see rejection of claim 37).

Referring to claim 55, depending on claim 52, see rejection of claim 37.

Referring to claim 60, depending on claim 51, see rejection of claim 42.

Referring to claim 61, depending on claim 60, see rejection of claim 43.

Referring to claim 71, depending on claim 68, see rejection of claim 37.

Referring to claim 76, depending on claim 67, see rejection of claim 42.

Referring to claim 77, depending on claim 76, see rejection of claim 43.

Claims 38, 49, 56, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. 6177931 B1) in view of Reynolds et al. (U.S. 6934963 B1) further in view of Erlin (U.S. 6275991 B1).

Referring to claim 38, Alexander and Reynolds teach all the limitations in claim 34, but fail to teach wherein the input device is a magnetic scanning device.

In an analogous art Erlin teaches wherein the input device is a magnetic scanning device (Column 3 lines 26-35).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the combined devices of Alexander and Reynolds

using magnetic input function/device of Erlin for the purpose of transmitting financial data read from the magnetic stripe of the card to a receiver that is equipped to receive the data (Column 1 lines 58-61, Erlin).

Referring to claim 49, see rejection of claim 29.

Alexander and Reynolds fail to teach a viewing premises being at a public location being at least one of a hotel, a bar, a hospital, an office, an airport, a train station, and a bus station.

In an analogous art Erlin teaches viewing premises being at a public location, the public location being at least one of a hotel, a bar, a hospital, an office, an airport, a train station, and a bus station (Column 2 lines 63-65 teaches a hotel as a viewing premise; Column 3 lines 10-13 teaches the remote transmits signals to a set top box element 40 in Figure 4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the combined devices of Alexander and Reynolds using a hotel as a viewing premise function/device of Erlin for the purpose of transmitting financial data read from the magnetic stripe of the card to a receiver that is equipped to receive the data (Column 1 lines 58-61 Erlin).

Referring to claim 56, depending on claim 52, see rejection of claim 38.

Referring to claim 72, depending on claim 68, see rejection of claim 38.

Claims 44, 62, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. 6177931 B1) in view of Reynolds et al. (U.S. 6934963 B1) further in view of Schutte (U.S. 5319454 B1) further in view of Erlin (U.S. 6275991 B1).

Referring to claim 44, depending on claim 42, Alexander, Reynolds, and Schutte fail to teach wherein the scanner device further comprises a magnetic scanner.

In an analogous art Erlin teaches wherein the input device is a magnetic scanning device (Column 3 lines 26-35).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the combined devices of Alexander, Reynolds, and Schutte using magnetic input function/device of Erlin for the purpose of transmitting financial data read from the magnetic stripe of the card to a receiver that is equipped to receive the data (Column 1 lines 58-61, Erlin).

Referring to claim 62, depending on claim 60, see rejection of claim 44.

Referring to claim 78, depending on claim 76, see rejection of claim 44.

Claims 46, 64, 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. 6177931 B1) in view of Reynolds et al. (U.S. 6934963 B1) further in view of Wignot (U.S. 5532733 B1).

Referring to claim 46, Alexander and Reynolds teach all the limitations of claim 29, but fail to teach wherein the television is a cable-ready television.

In an analogous art Wignot teaches wherein the television is a cable-ready television (Column 3 lines 5-59).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the combined devices of Alexander and Reynolds using the cable ready television function/device of Wignot for the purpose of allowing viewers to use the tuner of their cable ready television to tune nonscrambled channels directly (Column 1 lines 28-30 Wignot).

Referring to claim 64, depending on claim 51, see rejection of claim 46.

Referring to claim 80, depending on claim 67, see rejection of claim 46.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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